

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

MCALLEN DIVISION

UNITED STATES OF AMERICA

V.

Esmeralda Maria Moody
(8/12/16 lc)
United States Citizen

PRINCIPAL
YOB: 1984

United States District Court
Southern District of Texas
FILED

CRIMINAL COMPLAINT

Case Number:

M-16-1507 -M

AUG 11 2016

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 10, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Jose Denis Garcia, a national of Honduras, and Pablo Calderon-Gonzalez, a national of the United Mexican States, along with three (3) other undocumented aliens, for a total of five (5), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Cuevitas, Texas to the point of arrest near La Joya, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 10, 2016, a concerned citizen reported a white Ford Escape possibly loading illegal aliens near Military Road in Cuevitas, Texas. This area is notorious for alien and narcotic smuggling. Border Patrol Agents Castro and Harris responded to the area and observed a vehicle matching the description fail to stop at a stop sign and continue east on Military Road. The vehicle was the only vehicle in the area matching the description provided by the concerned citizen. Agents then observed the vehicle drive past Cemetery Road and come to an abrupt stop on Military Road. The driver reversed then proceeded to drive north on Cemetery Road. Agents continued to follow the vehicle and eventually conducted a vehicle stop near the intersection of FM 2221 and Expressway 83 in La Joya, Texas.

As agents approached the vehicle, they observed several subjects in the back seat, one subject in the passenger seat and one subject attempting to conceal himself in the cargo area of the vehicle. Agents identified themselves as Border Patrol Agents and while attempting to conduct an immigration inspection, the driver, Esmeralda Maria MOODY, immediately stated "I

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

OK to file. TTX

Julio Pena
Signature of Complainant

Julio Pena **Senior Patrol Agent**
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

August 11, 2016

Date

at McAllen, Texas

City and State

Diana S. Quiroga **U. S. Magistrate Judge**
Name and Title of Judicial Officer

Diana S. Quiroga
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16- 1507 -M

RE: Esmeralda Maria Moody

CONTINUATION:

don't know who these guys are, they just needed a ride." It was determined that MOODY was a United States Citizen and the five passengers were illegally present in the United States.

The five illegal aliens were placed under arrest and were transported to the McAllen Border Patrol Station for processing. Esmeralda Maria MOODY was read her Miranda Rights, placed under arrest and transported to the McAllen Border Patrol Station for questioning and processing.

PRINCIPAL STATEMENT:

Esmeralda Maria MOODY was read her Miranda Rights, stated she understood her rights and declined to answer questions without the presence of an attorney.

MATERIAL WITNESS STATEMENTS:

Both material witnesses were read their Miranda Rights, stated they understood their rights and were willing to provide statements without the presence of an attorney.

MATERIAL WITNESS 1:

Jose Denis GARCIA, a citizen and national of Honduras, crossed the Rio Grande River in a raft with a group of ten or twelve people. GARCIA stated that after a short walk to the pickup location they waited for approximately three hours. GARCIA claimed they were told to wait for a white closed truck type vehicle. Once the white vehicle arrived, GARCIA stated he and five other people entered the vehicle. GARCIA sat in the front passenger seat and was able to positively identify the driver of the white vehicle, Esmeralda Maria MOODY, in a photo lineup.

MATERIAL WITNESS 2:

Pablo CALDERON-Gonzalez, a citizen and national of the United Mexican States, crossed the Rio Grande River with a group of people. CALDERON claimed he waited in the brush with his group until they were picked up by a white SUV. CALDERON stated he sat in the back seat behind the passenger. CALDERON did not feel comfortable identifying the driver, but confirmed the driver was a female.

NOTE: Esmeralda Maria MOODY was the only female in the vehicle.